

causes liquid methanol in the fuel cartridge to undergo a phase change to a vaporous fuel before it is delivered to the fuel cell.

However, none of the prior art references disclose the remaining walls of the housing comprising a thermally insulating material which implies that a second, different one of the walls, supporting the fuel egress port member is comprised of a thermally insulating material.

The examiner takes the position regarding Deinzer that: “**Deinzer et al (US 2006/0172171) discloses a fuel cartridge comprising a housing "1b" provided by a plurality of walls, each of the walls of the housing of a vapor impermeable material.**” The Board found that as the claims were previously presented to the Board the claims did not exclude the interpretation given to housing by the examiner.¹

Applicant contends that the claims as allowed distinguish over the examiner’s interpretation of housing as taught by Deinzer. Claim 1, for example, calling for: “a housing provided by a plurality of walls each of the walls of the housing of a vapor impermeable material, the walls of the housing defining a fixed interior space confining a vapor and having at least a portion of a first one of the walls of the housing being comprised of a thermally conductive material.” This arrangement is not taught by Deinzer. Therefore the claims are allowable for other reasons than those given by the examiner.

Applicant agrees that: “**..., none of the prior art references disclose the remaining walls of the housing comprising a thermally insulating material.**” Applicant however does not agree that it is necessary that the feature thus: “**... implies that a second, different one of the walls, supporting the fuel egress port member is comprised of a thermally insulating material.**” as stated by the examiner. Applicant believes that such an interpretation is not warranted by the prior art of record or by Applicant’s claims/specification. In addition, dependent claims are allowable on their own merits, and are allowable on the basis of a sub-combination of the recited features of the dependent claims and their respective base claims.

¹ Board’s decision 12-24-09, pgs. 4-5.

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Respectfully submitted,

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